

## Andrews University Digital Commons @ Andrews University

---

Faculty Publications

Theology & Christian Philosophy

---

April 1992

# Moral Rules and Exceptions

Miroslav Kis

*Andrews University*, [kis@andrews.edu](mailto:kis@andrews.edu)

Follow this and additional works at: <http://digitalcommons.andrews.edu/theology-christian-philosophy-pubs>



Part of the [Biblical Studies Commons](#)

---

### Recommended Citation

Kis, Miroslav, "Moral Rules and Exceptions" (1992). *Faculty Publications*. Paper 65.  
<http://digitalcommons.andrews.edu/theology-christian-philosophy-pubs/65>

This Article is brought to you for free and open access by the Theology & Christian Philosophy at Digital Commons @ Andrews University. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Digital Commons @ Andrews University. For more information, please contact [repository@andrews.edu](mailto:repository@andrews.edu).

## MORAL RULES AND EXCEPTIONS

MIROSLAV M. KIŠ  
Andrews University

In a moral system, rules are often confronted by exceptions. In fact, an exception presupposes the existence of a rule, for logical necessity calls for a context of requirement before one can speak meaningfully about an exception. But the reverse statement, that a rule presupposes an exception, is more problematic. Christian ethical theorists have long struggled with this latter proposition and with related questions. Can rules and exceptions, for instance, coexist in some sort of friendly competition? Or are they mutually exclusive? And is there a possibility of having "exceptionless" moral rules?

The task of this essay, which explores this basic area of ethical concern, is twofold. First, I look at moral discourse from the angle of the relation between moral rules and their exceptions. In this connection I suggest four possible alternative relations between the two. My purpose is not to discover one best relationship, but rather to identify conditions as well as reasons for setting up exceptions and for accepting or rejecting the use of them.

Second, I provide rationale for the thesis that the admission of, and resistance to, exceptions has an impact (good or bad) on the rule, at least on the level of the attitude of the moral agent. L. G. Miller indicates that rules are not affected by exceptions inasmuch as exceptions are not directed at rules but rather at moral judgments.<sup>1</sup> However, if moral judgments are affected, the result with respect to rules is very significant indeed, since moral rules and moral judgments can be kept completely separated only in theory, not in factual reality and practice.

<sup>1</sup>L. G. Miller, "Rules and Exceptions," *Ethics* 46 (July, 1956): 269.

### 1. *Some Preliminary Considerations*

Before we consider alternative answers to our basis query, a few preliminary considerations are in order. First of all I define my use of the terms "rules" and "moral rules." Next I deal with the contrast between "exceptions" and "excuses." And then, as the final preliminary consideration, I describe the dynamic and relationships that are involved in connection with rules and exceptions to them.

#### *Moral Rules*

In ethical literature the term "rule" is used in a variety of ways. It sometimes signifies a general and generic category in distinction from, but also often inclusive of, such more limited or specific concepts as "action," "value," "ends," etc. When ethicists speak of rule-utilitarianism and act-utilitarianism or of rule ethics versus situation ethics, the word "rule" includes all rules, whether these are general principles or whether they are specific rules of action.

On the other hand, the word "rule" may have reference to something very specific, as when it signifies a direct and specific requirement which enjoins more-or-less concrete action or inaction. In this case, a "rule" is a subspecies of a "principle" or "norm." It is what Paul Ramsey calls a "direct rule," or "defined-action rules" belonging to the more general "defined-action principle".<sup>2</sup> In the present essay, I use the term "moral rule" in the sense of the direct rule that enjoins a specific and concrete action.

Infrequent use and a somewhat ambiguous understanding of the word "exception" necessitates some clarification of this word as well. In general terms, an "exception" is defined as an instance or a judgment that does not conform to an established rule. It is "a particular case which comes within the terms of a rule, but to which the rule is not applicable."<sup>3</sup>

#### *"Exceptions" and "Excuses"*

Some distinctions between "exceptions" and "excuses" may also prove helpful here. Whereas an "exception" refers to a rule in the

<sup>2</sup>Paul Ramsey and G. H. Outka, eds., "The Case of the Curious Exception," *Norm and Context in Christian Ethics* (New York: Scribner, 1969), 93.

<sup>3</sup>*The Oxford English Dictionary* (Oxford: Clarendon Press, 1933), 3:373.

context of a moral judgment, decision, or dilemma, the most frequent antecedent for "excuse" is a specific action. If nothing is done, no excuses are in order. In fact, to seek for excuses at the level of decision-making or in confrontation with dilemmas prior to the consummation of an act is to open one's motives to suspicion. In other words, if I think of excuses before I act, this very fact may indicate my knowledge of the blameworthiness of the course of action I contemplate taking, and my desire to perform the act without being blamed. In short, excuses presuppose an ascription of responsibility.<sup>4</sup>

Moreover, whereas the opposite of an exception is conformity, the opposite of an excuse is an accusation. If I am accused for having done action A, my alternatives are: (a) to admit having done the action, taking the consequences; (b) to deny the action; or (c) to seek excuses for the action. Alternative "(a)" is the opposite of alternative "(c)," for by admission of the action I do not seek to avoid the blame and consequences that are inherent in the accusation. The best solution here is simply to ask for forgiveness. By doing it, I do not need to put forth an excuse or even to present attenuating evidences; rather, I rest my case on mercy and compassion. With denial (alternative "b") on the other hand, I seek to show that the accusation itself is a mistake. This also contrasts with alternative "c," for when I resort to excuses I do not deny having done action A. Instead, I either (i) seek to justify the action and thus dismiss the blame, or (ii) plead for mitigation of responsibility on the basis of extenuating circumstances and thus diminish or even totally deny the blame.

The call for an exception differs from all the above. When asking for it, not only do I admit the action which appears to conflict with the rule but prior to my taking that action also claim to have insights, arguments, and/or evidences on the basis of which I should be allowed either to circumvent the requirement of the rule or to modify the rule so as to fit my own unique case. In using this procedure, I assume responsibility for the action and for its consequences.

<sup>4</sup>For helpful treatise on excuses, see David Holdcroft, "A Plea for Excuses," *Philosophy* 44 (Oct. 1969): 314-330.

## *The Dynamic of Conformity and Nonconformity*

In the case of conformity to the rule, the responsibility for my action and for my status is not entirely mine. My situation rests on the authority standing behind the requirement. In view of this (1) the validity and trustworthiness of that authority is tested every time an action is performed in conformity to the rule, with future obedience also being either encouraged or discouraged; (2) my *loyalty* and the *manner* in which I conform become exposed to scrutiny; and (3) the validity and relevancy of the rule are put to trial, as well. If there are some features present or absent during my action, or as a consequence of it, these features indicate a flaw in either (1), (2), or (3), which may cause me to doubt the goodness or rightness of my action. Such features, insights, and/or evidences will alert me to a need for "exceptions to the rule" in my future behavior, or to the necessity for improving my moral reasoning, or to the need for rejecting the rule itself.

Looking back at my action or my decision, I may choose to do nothing about my future conduct and simply rely on excuses. I would adopt the alternative (c) mentioned earlier, suppress the warnings, and resign myself to the rule (or its authority) without questioning. The danger I face with (c) is that (i) or (ii)—namely, seeking justification for the action, or pleading mitigation of responsibility for the action—could turn out to be merely an act of cowardice which stifles moral growth. If I opt for (a), the door is open for improvement, growth, and perhaps brave failures. If careful analysis of both (1) and (2)—the validity and trustworthiness of the authority behind the rule, and my own loyalty and manner of conformity to the rule—inspires confidence, the validity or relevancy of option (3) must be tested, for exceptions might be in order. Unlike the search for excuses, the endeavor to establish an exception may prove extremely challenging and helpful. Several factors could complicate my assignment, however. Among them are the consequences of modification, extreme hardship, threat to life, extreme conflict or ambiguity of norms with regard to them, my personal convictions or special theological insights, covenants, etc.

### *2. Concepts Involved in the Call for Exceptions*

Some further pertinent concepts involved in a call for exceptions should be noted:

1. An exception always refers to a rule that applies to the particular case. If a rule does not apply, what is needed is not an exception, but rather another rule.

2. Exceptions are sometimes called on the basis of some *exempting conditions* external to the rule.<sup>5</sup> For instance, a rule which enjoins returning what is borrowed may be excepted if the borrower should suffer sudden tragedy and therefore is in no condition to return the borrowed item now or ever. The tragedy could not be anticipated and for that reason is outside of the rule. Thus it may be considered as a condition justifying an exception.

3. At times exceptions are justified by so-called *qualifying conditions*.<sup>6</sup> In this case, qualifying conditions claim the power to produce modifications, enlargements, and perhaps enrichment of the original rule. For example, the rule which prohibits taking produce from my garden without my permission (this would be an act of stealing) can be modified under certain conditions. If my neighbor needs to feed her hungry family, and there are no other options other than to take some of my tomatoes, she may choose to help herself without telling me. As the owner of the produces, I have several options in such a case. I can prosecute this neighbor (the option is legally justified). Or I can interpret her poverty as an exempting condition and tolerate her act. Or, finally, I can come to realize my own failure to know of, or be sensitive to, my neighbor's destitution (and possibly to the needs of many other neighbors); thus modifying my rule of action by saying, "Do not steal my tomatoes, unless you must feed your hungry children"; thus the concept of Christian stewardship and obedience to the law of loving one's neighbor may urge me to justify an exception to the rule. The basic purpose of the rule has remained, but its meaning has been enriched.<sup>7</sup>

Moral situations are, however, never simple. Although an owner may call exception to the rule protecting his or her property, a needy neighbor should take care not to assume overly much. Stealing is, of course, a forgivable action, but a request or explanation may gain access to much more than a few tomatoes, and may do so at a lesser risk for all concerned. We may note in passing, that in this procedure the call for exceptions may at times

<sup>5</sup>Ramsey and Outka, 87.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., 89.

stave off more difficult, but also more responsible, alternatives of action. In other words, in view of exempting conditions, it may be easier to take what is not mine and simply expecting the owner to be tolerant than to communicate the conditions and thus act with mutual agreement.

4. At least one more reason for exceptions is often presented. Paul Ramsey calls it "*faithfulness claims*."<sup>8</sup> It is evident that a moral agent brings such claims into the moral decision. We all have our promises to keep and thus our God, our family, and our neighbors have laid claims on us. These claims can serve as the basis for a call for exceptions. For instance, it is conceivable that during World War II some military guards resisted even seemingly innocent gestures towards female prisoners of war due to the claims of their marriage covenant or to the requirements of the military code. The same would be true in the reverse direction too, of course, and undoubtedly in many other similar situations as well.

### *3. The Relationship between Rule and Exception*

We are now ready to turn our attention to the alternative answers that may be given to our original questions concerning the relationship between rule and exception, and concerning the status of a rule which admits an exception. In exploring such answers, we must take note of the fact that it is possible to group the use of exceptions in moral decisions into four categories. These are: (A) exclusion of the rule, (B) exceptions in the rule, (C) exceptions to the rule, and (D) exclusion of exceptions.

#### *A. Exclusion of the Rule*

There are views which hold that exceptions are not made to a rule, but rather that rules themselves should be excepted. This, of course, poses a challenge to my earlier statement to the effect that an exception presupposes a rule.

The existentialist approach, for instance, avoids rules as a basis for moral conduct. Instead, human creativity, freedom, and resourcefulness are trusted to inspire the moral agent, revealing the specific need in the situation and thus orienting the decision. In this approach, conformity to a rule is viewed as an inferior stance because it looks back at the rule for orientation. As C. Michalson

<sup>8</sup>Ibid., 92.

points out: "The future is a more reliable guide simply because it does not tell us what to do, but appeals to us to invent or create in the light of the emerging situation."<sup>9</sup> Thus, D. Bonhoeffer could say that a Christian should not be fettered by principle because, bound by the love of God, the Christian has been set free from the problems and conflicts of ethical decisions. The emphasis in the foregoing is obviously on the uniqueness of each individual and each situation. As a consequence, not one single rule can be found to prescribe or predict the direction or decision.

The situationalism of Joseph Fletcher is not far, either, from this attitude towards rules. Although situationalists claim an unexceptionable norm as a foundation for their system, they deem that *agapē* love is this absolute norm, whose task it is to correct legalism in ethics. Yet, while Joseph Fletcher carefully separates *agapē* from sentimentalism and partiality,<sup>10</sup> the very absoluteness of this love as a single matchless norm opens opportunities for exceptions. *Agapē* is inevitably both general in nature and remote from the rule of action, and thus it becomes very flexible as a norm.

Two additional principles are utilized in justifying the call for exceptions in situationalism, and these bring it closer to the existentialist camp. The first declares that love's decision is made situationally, not prescriptively.<sup>11</sup> Fletcher believes that in the heat of the situation the fears, pressures, hopes, guilts, and limitations will not cloud the mind of the moral agent. We can wonder whether the absence of particular commitments to some foreseeable sort of action in a foreseeable kind of situation would not provide a more secure and consistent moral conduct.

The main problem with this is that love itself may be excepted. On the other hand, as experience seems to show, when love becomes a commitment in terms of action, when it is safeguarded within specific covenants of relationship with God and humans, then the risk of love itself being excepted is greatly reduced. In this case, the action born out of a love which has planned ahead provides a firmer ground, especially if the situation takes the form of temptation.

<sup>9</sup>C. Michalson, "Existentialist Ethics," in *Westminster Dictionary of Christian Ethics*, ed. J. F. Childers and J. MacQuarrie (Philadelphia: Westminster, 1986), 218.

<sup>10</sup>Joseph Fletcher, *Situation Ethics: the New Morality* (Philadelphia: Westminster, 1966), 113.

<sup>11</sup>*Ibid.*, 136.



The second principle is exemplified by Fletcher's urging us to let love justify anything.<sup>12</sup> This brings in another set of problems, for means must be considered even when love is the end of an action. In his excellent critique of Fletcher's point in this regard, Paul Ramsey shows that there are other criteria for justifying the means besides their usefulness in achieving ends. For example, means must conform to natural rights or natural justice. Cruel forms of punishment must never be used for the sake of any end, no matter how good that end.<sup>13</sup> He warns that the price paid by consequentialism is "the reduction of the moral life and the very *humanum* of men to the possibility of being used as instruments only."<sup>14</sup>

It is this reduction of humanness, of relationships, and of covenants to mere instrumentalism that threatens *agapē* and ushers in exceptions. Unarmed, uncommitted, and unprepared in terms of a particular action of love, the moral agent is totally absorbed and fascinated by the end, often forgetting the means to that end. The rules which safeguard marriage or property rights, for example, may then be excepted if an end requires it. Any rule or any right is a potential candidate for being overruled and replaced by an exception. The example of the rule regulating marriage and divorce as interpreted by the school of Hillel is a possible illustration of this approach to exceptions. In this interpretation, the rule of fidelity could be set aside by the husband for even trivial reasons, so that in effect it was not the rule that guided, but rather that exceptions regulated the conduct.

### *B. Exceptions in the Rule*

In distinction from the previous position, which hesitates to prescribe moral conduct, the approach of "exceptions within the Rule" gives rules a more fundamental role. The relationship between rule and exception is not that of dominance of one over the other, but rather that of synthesis that is to say, the exception modifies, alters, broadens, or enriches the rule.

The first concern in this case is what to do with qualifying conditions. Extreme hardship (such as suffering), direct conflict of

<sup>12</sup>*Ibid.*, 121.

<sup>13</sup>Paul Ramsey, *Deeds and Rules in Christian Ethics* (New York: University Press of America, 1983), 185.

<sup>14</sup>*Ibid.*

norms or values, utility, *prima facie* conviction that one's duty to God and man stand at variance with the usual conformity to a particular rule, and so on, may create a dilemma. As stated by L. G. Miller, "If it is the case that each rule is usually to be followed but not always and that there is no way of telling when the questions about exceptions will arise and how they are to be resolved, then morality itself is left in a rather disorganized and confused state."<sup>15</sup>

In order to bring coherence to ethical theory, a utilitarian suggests the prioritization of rules. If rule X normally applies and is now faced with qualifying conditions which generate exception Y, the first thing to do is to calculate which of the two—either X or XY—would result in the greatest good. If tomorrow rule X meets exception Z, then "calculus" must decide whether either X, XY, or XZ or even XYZ would bring the greatest good. Thus we end up with a hierarchy of rules that are all subordinated to and ranked by the general criterion of utility. The original rule X is modified or supplemented by rules XY, XZ, or XYZ.

In such a situation the moral agent is faced with several challenges. For example, on what basis is a person to know whether X or XY will produce the greatest amount of good? How do we identify priority among such "good" things as intellectual development, spiritual growth, one's duty to keep promises, etc.? The criterion of utility is too vague and also too vulnerable to human finiteness and weakness to give it endorsement. In addition to that, as L. G. Miller reminds us, it is just not the case that where there are two rules one will always take precedence over the other.<sup>16</sup>

Finally, how do we stop exceptions from recurring? If Y is the exception to X and if Y refers to some qualifying conditions (like suffering), Y can have its own exception, and this in turn can have its own, and so on *ad infinitum*.

H. Sidwick suggests that the solution to the problem of ever-emerging exceptions can be resolved by listing all possible future exceptions.<sup>17</sup> But how can we decide upon these, and how do we know that we have constructed a complete list? Without a new

<sup>15</sup>Miller, 263.

<sup>16</sup>*Ibid.*, 264.

<sup>17</sup>H. Sidwick, *The Methods of Ethics* (London: Macmillan, 1884), 311.

criterion, the criterion of completeness, no one can be sure that any rule will remain secure and reliable.

Furthermore, even an exhaustive listing of exceptions, were it possible, would neither provide an infallible criterion of ranking nor produce a series of rules. At best, what it would produce is a conjunction of rules. Such a conjunction or "joint assertion of a number of rules will not be a rule that can be used to resolve conflicts between the component rules."<sup>18</sup>

Utilitarianism with calculus and the utility criteria, together with *prima facie* principle, and other forms of hierarchialism wherein the rules are ranked as amended by exception, cast doubts on the reliability of the rule in its synthetic relations with exceptions.<sup>19</sup> Solutions of this kind, even if inevitable, are not always reliable. We cannot always determine whether our original rule retains enough of its originality so as not to overly alter its applications and consequences, or whether the rule is modified to the extent that it becomes in reality another rule alongside the original one, perhaps even taking the front seat.

Another way of limiting the proliferation of exceptions is to confine them to a family of rules. If X is the basic original rule of action and if exception y is applied to it, then we endeavor to limit the exception's influence only to Xy and not XY. If exception z is applied, the result is Xz. In that case, Xy and Xz are different rules, but both of them belong to the same genus X.<sup>20</sup> In this construct, modification of the rule is only partial, and only those exceptions are admitted which relate to that particular rule of action. And yet, even in this case we have no way of knowing whether we can predict or list all exceptions exhaustively, nor do we know how or why to prefer y to z.

The difficulties of synthesis between rules and exceptions are reduced when qualifying conditions can be predicted with regularity. The case of the law concerning divorce as interpreted by the school of Shammai serves as an illustration. It is possible to affirm the rule of faithfulness to marriage vows and at the same time encompass the qualifying condition of "unchastity." The rule, then, is conditionally binding because unchastity is *ipso facto* a

<sup>18</sup>Miller, 265.

<sup>19</sup>For further insights, see Miller's article.

<sup>20</sup>M. J. Erickson, *Relativism in Contemporary Christian Ethics* (Grand Rapids, MI: Baker, 1974), 140.

justification for exception. The concept of faithfulness implies this caveat.

But why should this be so? One might imagine that unchastity might be encouraged or even somehow caused by the "innocent" partner. Should we then be more careful so as to say that even when an exception of this kind is present, divorce is conditional on the total innocence of the other marriage partner? Here again we discover that the old problem of recurring exceptions emerges. The original rule is open to modification by means of exceptions, and thus that rule becomes conditionally binding, modified by ever-recurring exceptions.

### *C. Exceptions to the Rule*

Many Christians believe that human life, moral life included, stands within the authority of God. His will for humans is the very definition of moral good and moral duty. "He has shown you, O man, what is good; and what does the Lord require of you" (Mic 6:8). This "showing" of the moral good and moral duty occurs primarily in Scripture. The words of wisdom (Proverbs, Ecclesiastes), of advice (Deut 30:15-29, Mat 5-7), of special commands (Isa 1:11-18, Eph 5:25-32, Exod 20:1-17), and of examples (Heb 11:1-39, 12:1-1), all show God's will for human moral conduct. The most reliable and clear revelation of moral good and moral duty is revealed in the life of Jesus Christ (1 Pet 2:21-25, John 13:1-17, Phil 2:5-11).

The effort of God's love to meet the human need for moral guidance motivates Christians to follow God's will gladly. As a result, God's wish or will becomes a rule for the Christian, and that rule enjoys preeminence over exceptions. Moral rules thus are not subject to abrogation or modification by an exception.

Some characteristic features of this third alternative way of relating exceptions to rules should be noted:

1. *Exceptions are Accidental.* True exceptions to a rule cannot be predicted nor regulated. A predictable exception (if in harmony with God's will) is just another rule. Even the exempting condition of unchastity in marriage is not a predictable event, otherwise no Christian would enter into a marriage covenant where adultery is foreseeable. And when it does occur, it should not be an *ipso facto* justification for the exception, i.e. divorce. Repentance and forgiveness can save the marriage, and the commitment to the

covenant of faithfulness is affirmed above the exception. Moreover, each exception must be decided at face value in every case.

2. *Exceptions are Unique.* M. J. Erickson states that there "is something about the particular case under consideration that lifts it above the general rule. The case itself is so unique, however, that the exception-making rule cannot be generalized or extended to other cases. It applies to this case, and to it alone."<sup>21</sup>

"Thou shalt not kill" is a rule which calls for respect for human life. It is also an expression of God's will. In 1 Sam 15:3, however, the same God gives another command. This time his will is that the Israelites kill the Amalekites. Herein the decalogue commandment prohibiting murder seems to be modified so as to include this exception.

There are, however, two other possibilities. Keeping in mind that the command to kill the Amalekites is "accidental" (that is, no one could have predicted nor expected such an order), we may consider that this command becomes separate from the decalogue commandment. It stands, not on the authority or validity of the decalogue commandment, but rather on God's expressed order. Thus, there is no relationship between the two commands, either contradictory or complementary.

A second point of view would be to consider the command to kill the Amalekites as a unique command. It concerns this one situation and time, and it is given to Israel alone. The requirement is unique and very specific, and therefore it is an exception to the decalogue commandment.

But if an exception must be so focused, specific, and accidental in order to qualify as an exception, how is it still an exception to the rule in question? Why not simply consider it as a totally new rule? Looking further at the characteristics of exceptions may provide an answer.

3. *Both the Rule and the Exception Refer to Some Related Value.* Two rules which regulate two unrelated values cannot establish an exceptional relation. The sixth commandment and the command to kill the Amalekites both refer to the same value of human life, but they demand contrary actions. Recognition of one of the rules as specific and relative to a unique circumstance resolves the conflict and safeguards the proper validity of both requirements. The specific rule becomes an exception to the general rule whose function is to regulate the usual relation to that value.

<sup>21</sup>Erickson, 139-140.

4. *One of the Rules Should be a General Rule.* Two specific and unique rules do not usually establish an exceptional relation. The order to kill the Amalekites is not an exception, nor is it related, for instance, to the command not to kill Cain (Gen 4:15). The two commands are very specific and both of them can independently entertain an exception or be related to a more general rule.

5. *The Rule and Its Exception Proceed from the Same Authority.* In the case of two requirements if one of them is according to divine will and the other comes from society or some other human authority, no call for exceptions is possible. The obligation to God takes precedence over one's duty to human beings (Acts 4:19), because the Christian's best behavior in inter-human relationships is contained in the will of God.

6. *Exceptions Require Extraordinary Situations.* Sin and its tragic consequence of evil often bring overwhelming challenges to human will, faith, wisdom, and commitments. These are circumstances of conflicting ultimates (life-boat), or times when conformity requires non-existing resources (as in the advanced pregnancy of a young incest victim), to mention just a few. If an exception to the rule is introduced, it will be because, humanly speaking, this is the very last alternative. Rules in this approach are "virtually exceptionless."<sup>22</sup>

This approach must deal with several problems. For example, the moral agent is faced with uncertainty as to when the personal plight is extraordinary enough to justify an exception. God's will often leads human lives through unusual hardships. Was not this Job's experience? His wife and his friends judged his condition more than sufficiently tragic to require an exception.

But, is the counsel of humans an adequate guide in moral matters? Some churches provide dogmas, canons, and even authoritative advice which indicate when and if an exception is warranted. If the church is perceived as God's infallible mouthpiece, such a solution makes sense. Yet, Job remained in agony in spite of the input he received. We see him stand as an individual responsible for his decisions and actions; the human input can only advise and react, it cannot decide for others.

Experience seems to show that the extremity of a tragedy is a very hostile context for prescriptivism. Heroism and extraordinary courage defy requirement. Christians who relate rules and

<sup>22</sup>Richard Gula, *What Are They Saying about Moral Norms?* (New York: Paulist Press, 1982), 77-79.

exceptions according to approach #3 must deal with the uncertainty of knowing when an exception is warranted, and this is in part what human freedom and responsibility mean.

The danger, of course, is to consider only what is possible as required, what is unpleasant as exceptional, and what is challenging as unique. The threat of a "slippery slope" is a constant reality as soon as one tolerates exceptions.

#### *D. The Exclusion of Exceptions*

We finally turn our attention to a fourth way of relating rules to exceptions. Here, conformity to rules is so rigorous that it excludes all exceptions in every circumstance and at any place or time. This approach is based on several presuppositions.

First of all, God is sovereign. The Scriptures teach that no other authority can successfully challenge his authority, no wisdom or power can equal his wisdom and power, and no will should take precedence over his will (Isa 40:26). The extremity of moral hardship cannot outdistance him, nor can the uniqueness of a moral dilemma surprise him to the point where humans must go it alone and claim exceptions.

Second, God's will is perfectly good for humans; exceptions can add nothing good. Any system of ethics that presents a notion of good outside of the divine will as expressed in God's grace towards human beings "coincides exactly with the conception of sin. . . ." <sup>23</sup> There can be no question of a positive recognition of Christian ethics by other systems or of an attachment of Christian ethics to them, because Christian ethics stands under the "final word of the original chairman." <sup>24</sup>

A third postulate affirms that God has claimed all human life. "No one has a claim on a man, or on a people, save God alone, and this claim permeates all relationships of life. It is the only valid norm." God and man are bound by a mutual covenant and for that reason their actions must reflect mutual loyalty. <sup>25</sup>

But obedience, it is claimed, is not a natural response to God's will. Since man wants above all to be like God, his way is "the war-path on which he has entered in opposition to God. Between God,

<sup>23</sup>Karl Barth, *Church Dogmatics* (Edinburgh: T & T Clark, 1957), vol. 2, part 2, 518.

<sup>24</sup>*Ibid.*, 519.

<sup>25</sup>Emil Brunner, *The Divine Imperative* (Philadelphia: Westminster, 1937), 54.

the eternally good, and man, the relationship might easily be one of scorn on the part of God and envy on the part of man. But it cannot be one of claim on the part of God and obedience on the part of man." <sup>26</sup> Obedience which does not come from divine grace will certainly fail and seek for exceptions in order to accommodate human weakness.

Therefore, obedience is not a matter of preference, choice, or convenience, rather, it is a matter of faith.<sup>27</sup> It is a response "to the God in whom we may believe;" God "who calls us in such a way that we must not only hear, but obey; who orders us in such a way that in all freedom we must recognize the force of His order . . . ."<sup>28</sup>

The fourth postulate is that God's command is both urgent and stringent. It is urgent because it is the precondition of life itself.<sup>29</sup> Humans cannot be indifferent to it without jeopardizing their destiny. It is stringent because, being above man's spiritual life and beyond the realization of human reason or achievement, it gives no room for maneuvering.<sup>30</sup> Human action can be either that of obedience or disobedience. The decision of good and evil has been settled once and for all in the decree of God, in the cross and resurrection of Jesus Christ.<sup>31</sup> By that divine choice, all human choices must be measured. "What right conduct is for man is determined absolutely in the right conduct of God."<sup>32</sup> Christians cannot change it, nor should they go back on it and seek exceptions.

The fifth premise concerns the nature of moral obligation. Barth insists that humans are *destined* to obedience to God's command of grace. Therefore, humans should not endeavor to *give* an answer to the moral question of what is good and what is right, but rather they are called to *be* that answer. The multifarious systems of ethics which seek to *give* answers to moral dilemmas are just a prolongation of our fallenness, because they presuppose the

<sup>26</sup>Barth, 555.

<sup>27</sup>Karl Barth, *Ethics* (New York: Seabury Press, 1981), 102.

<sup>28</sup>Barth, *Church Dogmatics*, 556.

<sup>29</sup>Ibid., 555.

<sup>30</sup>Ibid., 522.

<sup>31</sup>Ibid., 536.

<sup>32</sup>Ibid., 538.



possibility of an abstract and external knowledge of good and right. For Barth, obligation proceeds from a concrete divine command which confronts the moral agent directly. It is the work of sanctifying grace in Christ Jesus. Following Jesus, a Christian does not crave good conduct of and for himself or herself, but rather seeks to be the subject to God's grace, will, and command.<sup>33</sup>

Here we touch a critical point of this approach to exceptions. Two questions are: How do we apprehend the command? And how do we know it is a divine command that we are considering? A personal encounter with God who confronts us is Barth's answer to the first question. The sense of obligation, the choice of action, the motivation for acting on that choice happen in the intimacy of the human self.<sup>34</sup> External prescriptions are only relative orientations even if they are found in the Bible. "Obviously neither the totality nor a selection of the biblical imperatives, nor any one of them is in itself the unconditioned concrete command that comes to you and me today." This is true for the Ten Commandments, Jesus' Sermon on the Mount, "or imperatives of the admonitory chapters of the epistles."<sup>35</sup>

But how do we discern between divine voice and the urges stemming from our human heart? Carl F. H. Henry argues that Barth's rejection of general revelation and the Bible as propositional communication of divine will opens the door for subjectivism and relativism.<sup>36</sup> He advocates a Christian ethic that comes from objectively revealed propositions,<sup>37</sup> in addition to the ministry of the Holy Spirit.<sup>38</sup> Such propositions are known rationally as the divine "ought" which encompasses human moral life and gives it specific and practical direction.<sup>39</sup> In this way the danger of the subjectivist's vulnerability to exceptions is averted.

It must be admitted, however, that either on the basis of direct divine encounter or by the mediation of rational revelation to human reason and will, the exception of all exceptions remains a

<sup>33</sup>Ibid., 517.

<sup>34</sup>Ibid., 556, 557.

<sup>35</sup>Barth, *Ethics*, 81, 82.

<sup>36</sup>Carl F. H. Henry, *Christian Personal Ethics* (Grand Rapids: Baker, 1977), 196.

<sup>37</sup>Ibid., 257.

<sup>38</sup>Ibid., 259.

<sup>39</sup>Ibid., 168-171.

challenge for Christian moral life. If the former carries the threat of subjectivism, the latter is haunted by fallible human reason and by corrupted human will. To be a Christian means to listen, discern, search, and follow. It means to be watchful of assuming too much and believing too little. Discipleship is costly, as Bonhoeffer demonstrated. Total commitment and loyalty to God's will cannot be legislated, earned, or experienced passively. Exceptionless, loving conformity is the promise given by the One who is well able to bring it to completion.

#### 4. Conclusion

The four approaches of relating exceptions to moral rules suggested here represent only four foci in the spectrum of alternatives. It is possible and even necessary to consider all available factors in order to create the most circumspect response to a moral requirement (either a rule or its exception). Identification and evaluation of conditions and reasons for opting for or against a rule or its exception is a necessary part of this process.

In approach 1, the conditions which foster exceptions are human creativity, autonomy, freedom, relativity to the situation, and the ends sought. The reasons for calling for exceptions are the radical uniqueness of each situation and each individual, along with fear of legalism, together with rejection of it.

Approach 2 views extreme hardship, conflict of norms and values, utility, and *prima facie* duties as some conditions under which exceptions may arise. One of the main reasons for excepting a rule may be the concept of the greatest good for the greatest number of persons, as in utilitarianism.

In approach 3, exceptions are admitted only under the most stringent, singularly unique, and unpredictably new conditions. Therefore, it is hard to identify any consistent reason which could always justify an exception to a rule.

Finally, approach 4 admits no conditions for exception. The basic reason for this absolute exclusion of exceptions is found in the origin and nature of moral rules. The origin of moral rules is in the perfectly good will of a sovereign God who has claim on all of human life. In this context, moral rules are both urgent and stringent in nature. They compel the moral agent to *be* the answer to the question of what is good and morally right.

The foregoing survey of the various rule-exception correlations seems to confirm the claim that the concept of moral exceptions

varies with the way in which moral rules are viewed. In approaches 1 and 2, moral rules are either rejected or given a relative or conditional validity. It is here that exceptions enjoy legitimacy. In approach 3, on the other hand, as the concept of moral rules enjoys greater authority and universality, not only are exceptions more uncommon, they become more unusual and extraordinary.

Furthermore, it appears that not all exceptions are conceived as identical. In approaches 1 and 2, exceptions may come dangerously close to being excuses. This is the case because the principle of utility and situational decision-making without any prior preparation and commitment proves too weak for affirming and maintaining the validity of a rule. As shown above in approach 3, exceptions are unusual and very extraordinary.

All of this leads us to raise the question as to whether the admission of any exception (particularly if exception borders on the notion of excuse) leaves rules intact. Is not the introduction of an exception into moral discourse as significant as is the affirmation of a rule? Why would a moral rule be affected less by introduction of an exception than an exception would be weakened through affirmation of a rule?

It appears that a rule which repeatedly resists an exception and an exception which persists against a rule become dominant at least on the level of the moral agent's attitude. I can see at least two reasons for this. First, human behavior is habit-forming. Resistance to something strengthens resistance, and compliance makes future compliance easier. Second, the moral conduct is open to influence and prompting from the outside. So, for example, the affirmation of the rule of loyalty to one's belief by John Huss (contrary to approach 1) in the face of extreme hardship (in divergence from approach 2), even if his case could be classified as singularly unique and thus justify an exception (approach 3), has inspired many to affirm the same rule. On the other hand, the denial by Jerome of Prague on September 11, 1415, had an opposite impact on Christians that was not fully overcome by Jerome's affirmation of loyalty at the price of martyrdom one year later.

Finally, we should be reluctant to declare where any individual stands on the rule-exception issue. An attempt to define this displays either ignorance or arrogance or both. Only God can accurately judge performance and preference. Sometimes in our attempt to elaborate a classification of moral conduct or moral reasoning with the purpose of bringing a better understanding of

that conduct and reasoning, we succumb to a temptation to classify people. James Gustafson has shown how extremely difficult and needless such an activity really is.<sup>40</sup>

For instance, it is not necessarily true that approaches 1 and 4 stand in mutual contradiction. It is possible to believe that a perfect Moral Agent brings them together. If God's will (including revealed propositional scriptural statements) is internalized (Ps 40:9) so that autonomy and theonomy coincide perfectly, then no exceptions are needed or possible. Short of this, loving and exceptionless conformity to God's will is a promise realized only in Jesus Christ and through his grace realizable in us (Phil 1:6).

<sup>40</sup>James Gustafson, "Context Versus Principle, a Misplaced Debate in Christian Ethics," *Harvard Theological Review* 58 (1965): 171-202.